

REMARKS

This responds to the Office Action mailed on June 25, 2007.

Claims 32, 33, and 34 are amended, no claims are canceled, and no claims are added; as a result, claims 32-36 and 40 are now pending in this application.

§103 Rejection of the Claims

Claims 32-36 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pare Jr. et al. (U.S. 6,269,348, hereinafter "Pare") in view of St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Applicant respectfully submits that the Office Action did not make out a *prima facie* case of obviousness because, even if combined, the cited references fail to teach or suggest all of the elements of Applicants' claimed invention.¹

Amended claim 34 recites, in pertinent part, "receiving at a first mini-server at least one first mini-server message from the user computer, the at least one first mini-server message including a first computer fingerprint file;" and "comparing the first computer fingerprint file against a second computer fingerprint file to verify the user computer, the second computer fingerprint file accessible by the first mini-server." (Emphasis added through) The Office Action alleges that these limitations are disclosed by Pare at col. 11 lines 39-45. Applicants respectfully submit that Pare in the cited passage does not disclose the above limitations. The cited passage provides:

"Once a BPID processor receives a bid biometric sample and PIN for identification, the processor searches through its database, retrieving all registered biometric samples that match or correspond to that particular bid PIN. Once all corresponding registered biometric samples are retrieved, the processor compares the bid biometric from the message to all retrieved registered biometric samples. If a match is found, the processor transmits the identity of the party back to TP 26. If no match is found, the processor transmits a "party not identified" message back to TP 26."²

The above passage states that BPID processor receives a bid biometric sample. However, the

¹ The reference (or references when combined) must teach or suggest all the claim elements. M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991))

² Pare, col. 11, lines 39-45

processor in Pare does not receive *one first message including a first computer fingerprint file* as required by the amended claim 34. In addition, according to the passage, the bid biometric is compared to registered biometric samples. Clearly, a biometric sample is not the same as the claimed *computer fingerprint file*, that as specified by the instant application (see, for example, page 15, lines 4-7) is a unique identifier for the user computer (e.g., CPU ID number, hard disk serial number, etc.). Furthermore, verifying the identity of the party, as described in the quoted passage, does not amount to verifying *the user computer*, as recited in the amended claim 34. As such, Pare does not disclose the limitations of “*receiving at a first mini-server at least one first mini-server message from the user computer, the at least one first mini-server message including a first computer fingerprint file;*” or “*comparing the first computer fingerprint file against a second computer fingerprint file to verify the user computer, the second computer fingerprint file accessible by the first mini-server;*” as recited in the amended claim 34. Accordingly, at least for the reasons set forth above, Pare fails to teach or suggest each and every element of claim 34. The Office Action has not cited any other references to support the rejection of the discussed limitations that were shown to be missing in Pare. Thus, Applicants respectfully submit that the Office Action did not make out a prima facie case of obviousness for claim 34 over Pare. Therefore claim 34 and its dependent claims 35 and 36 are allowable.

The same arguments as presented with respect to claim 34 are also applicable to a consideration of claims 32 and 33. As such, at least for the same reasons discussed above with respect to claim 34, claims 32 and 33 are not rendered obvious by Pare either. Thus, Applicants respectfully submit that claims 32 and 33 are also allowable.

In rejecting claim 40, the Office Action has relied on the same reasons used with respect to claim 34. Applicants respectfully submit that at least for the same reasons discussed above with respect to claim 34, Pare does not disclose the limitations of “a first input unit to communicate with a first server and to receive a first server message containing information indicating if a user computer was verified;” or “a processor to . . . authorize an action only if both the first server message contains information indicating the user computer was verified . . ., wherein the first server and the second server are mini-servers, and wherein the first server message and the second server message are mini-server messages,” as recited in claim 40. The Office Action has not cited any other references to support the rejection of the discussed

limitations that were shown to be missing in Pare. Accordingly, the Office Action did not make out a prima facie case of obviousness for claim 40 over Pare. Thus, Applicants respectfully submit that claim 40 is allowable.

Therefore, it is respectfully requested that the claim rejections under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4053 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


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Date November 27, 2007

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27 day of November 2007.

Dawn R. Shaw

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Signature